

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CYNTHIA HAINES,)
)
Plaintiff,)
)
vs.) Case No. 4:08CV791 CDP
)
VERIMED HEALTHCARE)
NETWORK, LLC,)
)
Defendant.)

ORDER

Following my ruling dismissing antitrust claims from plaintiffs' complaint, plaintiff has moved to file a third amended complaint adding two new counts for declaratory judgment and preliminary and permanent injunction. Defendant opposes plaintiff's motion to amend, arguing that my earlier order regarding the antitrust claims prohibits plaintiff from adding these new counts.

Under Fed. R. Civ. P. 15, a court should freely give leave to amend pleadings where justice so requires. Leave to amend may be denied, however, in cases where such an amendment would be futile or would unfairly prejudice the opposing party. *See Denis v. Dillard Department Stores, Inc.*, 207 F.3d 523, 525 (8th Cir. 2000). Here, defendant's objections to the proposed amendments are better addressed at a later stage of this case in the context of a more complete

factual record. My earlier order dismissing antitrust claims does not implicitly or explicitly bar plaintiff from asserting these new claims, and I do not find defendant's arguments on these points persuasive. I will therefore grant plaintiff leave to amend her complaint. Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion [#33] for leave to file a Third Amended Complaint is GRANTED, and plaintiff's complaint is deemed filed as of this date. Defendant is reminded of its obligation to file a responsive pleading within the time limits set forth in the Federal Rules.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 18th day of May, 2009.